

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on February 21, 2003
at 8 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Jent, Vice Chairman (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Don Roberts (R)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Cindy Younkin (R)
Rep. Jonathan Windy Boy (D).

Members Excused: None

Members Absent: None

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 599, HB 600, HJR 24, HB 609,
2/17/2003; HB 699, HB 680, 2/18/2003.

Executive Action: HB 599 ACTION DEFERRED; HJR 24, HB
609 DO PASS; HB's 431, 468 & 621 DO PASS AS
AMENDED; HB's 523, 541, 586, 600, 607, 611, 699
TABLED.

HEARING ON HB 599

Sponsor: REP. SCOTT SALES, HD 27

Opening Statement by Sponsor:

REP. SALES said the bill requires a special election conducted by a political subdivision on a countywide basis to be conducted in conjunction with a statutorily scheduled election; amending section 13-1-101, MCA; and providing an immediate effective date. This would apply to county wide issues but not to sewer, fire, or school districts. It would solve turnout problems and save money.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.5}

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Robert Throssell, Montana Association of Clerks and Recorders (MACR), was present to answer questions.

Questions from Committee Members and Responses:

REPS. BALLANTYNE, BROWN, DICKENSON AND B. OLSON queried Mr. Throssell, who testified that the bill would not eliminate mail ballots, but would eliminate special elections. All issues would go with the regular June or November ballots. If a district is not countywide, they could have a sewer, fire, or school district ballot.

{Tape: 1; Side: A; Approx. Time Counter: 3.7 - 9.9}

Closing by Sponsor:

The Sponsor closed.

HEARING ON HB 600

Sponsor: REP. SCOTT SALES, HD 27

Opening Statement by Sponsor:

REP. SALES said this bill provides that a county which has two representatives cannot hire a paid lobbyist. The intent was to limit larger counties from hiring lobbyists. He wants an amendment to change it to four representatives. Some small

counties are split into four House Districts. He thought this would save \$30,000-40,000 of taxpayer money.

Proponents' Testimony: None

Opponents' Testimony:

Jean Curtis, Missoula County Attorney, testified against it.

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BROWN questioned **Ms. Curtis**, who said that the lobbyist has an advantage of seeing the legislators in the hallway. **REP. SMITH** questioned the sponsor. It would not do away with MACo lobbyists. **REP. B. OLSON** told the sponsor that Representatives should all know what issues are important to the counties; his constituents know they can call him.

Closing by Sponsor:

The bill would open communication between county elected officials and their Representatives, **REP. SALES** asserted.
{Tape: 1; Side: A; Approx. Time Counter: 9.9 - 19.4}

HEARING ON HJR 24

Sponsor: **REP. DEE BROWN, HD 83**

Opening Statement by Sponsor:

REP. BROWN said this used to be HB 111, which passed here, but was made into a committee bill to clear up a paperwork blizzard for bill drafters.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

Sponsor declined to close.

HEARING ON HB 609

Sponsor: REP. WINDY BOY, HD 92

Opening Statement by Sponsor:

REP. WINDY BOY said Indians have the highest per-capita military service of any ethnic group. This Flag Circle Memorial will be paid for by private donations and fund raising. He provided written testimony of Mr. Barney Old Coyote, Crow Tribe, the first Indian to enlist in Montana.

EXHIBIT(sth39a01)

{Tape: 1; Side: A; Approx. Time Counter: 23 - 33}

Proponents' Testimony:

Kim King, Representing the Fort Belknap, Assiniboine, and White Clay Tribes, testified in favor of the bill.

Earl Old Person, Blackfeet Chief, testified in favor of the bill.

Richard Salyer provided written testimony.

EXHIBIT(sth39a02)

Bruce Plummer testified in favor of the bill.

Toni Plummer Alvernez testified in favor of the bill.

{Tape: 1; Side: A; Approx. Time Counter: 33 - 58}

Opponents' Testimony: None

Informational Testimony:

Arnie Fishbaugh, Executive Director of Montana Arts Council, was present to answer questions. She provided Exhibit 3.

EXHIBIT(sth39a03)

Lori Ryan, Governor's Office of Indian Affairs, was present to answer questions.

Questions from Committee Members and Responses:

REP. BROWN asked Ms. Fishbaugh why the process started in 1994 did not go through. Ms. Fishbaugh said funding was never attached to the law. The amount to be raised by independent funding must be updated, and she will get those figures.

REP. WINDY BOY called **Ms. Ryan**, who explained that an original competition in 1993 resulted in Ron Juneau and Lyle Johnson being chosen as the artists. There was a \$20,000 appropriation to get it rolling, but donations to finish never came. There is no sunset date, so the committee still exists. This could be worked through the original statute.

REP. WINDY BOY said the location has been selected and approved. **CHAIRMAN BARRETT** asked if he had contacted the Capitol Advisory Council. He said that group was formed after the Flag Circle Committee had been formed.

EXHIBIT(sth39a04)

{Tape: 1; Side: A; Approx. Time Counter: 58-66}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2}

Closing by Sponsor: **REP. WINDY BOY** closed.

HEARING ON HB 699

Sponsor: **REP. TIM DOWELL, HD 78**

Opening Statement by Sponsor:

REP. DOWELL said this would allow for poll booth registration. Article 4 of the Constitution allows this if the Legislature enacts it. Several states allow this; most are sparsely populated states, and North Dakota has no registration. He provided Exhibits 5 and 6.

EXHIBIT(sth39a05)

EXHIBIT(sth39a06)

{Tape: 1; Side: B; Approx. Time Counter: 5.6 - 13}

Proponents' Testimony:

REP. CAROL JUNEAU, HD 85, said this would remove barriers. She cited states who allow it: Maine, Minnesota, Idaho, Wisconsin, and New York. She provided Exhibits 7 and 8.

EXHIBIT(sth39a07)

EXHIBIT(sth39a08)

Will Hammerquist, Student Representative, University of Montana, said that there is no fiscal note yet; there will be costs, but civic involvement is beyond cost.

Opponents' Testimony:

Elaine Gravely, Deputy Elections Administrator, Secretary of State, testified against the bill.

Robert Throsell, Montana Association of Clerks and Recorders (MACR), testified against the bill.

Duane Winslow, Yellowstone County Election Administrator, testified against the bill.

Bonnie Ramey, Jefferson County Election Administrator, testified against the bill.

Mary McMann, Silver Bow County Elections Administrator, testified against the bill.

Vickie Zeier, Missoula County Clerk and Recorder, and Treasurer, provided exhibit 9.

EXHIBIT (sth39a09)

{Tape: 1; Side: B; Approx. Time Counter: 25.8 - 60}

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. BECKER and SMITH had questions for Ms. Gravely about how this might increase the burden of election administrators, if voters have to show their identification (ID) cards to vote (under another bill in this Session). **Ms. Gravely** said new registrants would need to know which precinct to vote in, where special districts were, and other information. Registering in advance gives the Clerk's office time to look up and pinpoint exact addresses and districts. Sponsor had no figures on the percentages of same day voters compared to other states.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 6.2}

Closing by Sponsor:

REP. DOWELL said it is a complex issue. Registration may make the Clerks' jobs easier, but it thwarts participation.

{Tape: 2; Side: A; Approx. Time Counter: 6.4 - 11.3}

HEARING ON HB 680

Sponsor: REP. MARK NOENNIG, HD 9

Opening Statement by Sponsor:

REP. NOENNIG stated this bill was requested by Montana Association of Clerks and Recorders. It defines the format for documents filed with counties. Nonstandard documents must be charged more. It defines what should be filed versus what only needs to be recorded. He had a proposed amendment.

EXHIBIT(sth39a10)

Proponents' Testimony:

Robert Throssell, MACR, said filings are moving to digital and computerized, so they need to establish standard formats. Banks want to access county records by computer. People would have to sign with their legal name, and to indicate their county, section, township and range.

Tony Nave, Yellowstone County Clerk and Recorder, showed examples of why documents needed a margin left blank on which to put on bar code stickers.

EXHIBIT(sth39a11)

Bonnie Ramey, Jefferson County Clerk and Recorder, showed examples of nonstandard sized documents they must deal with.

Opponents' Testimony:

Bob Swell, Montana Land Title Association, testified and provided written testimony of Bill Gowen, President of Helena Abstract and Title Co.

EXHIBIT(sth39a12)

George Bennett, Montana Bankers Association, said their forms are computerized.

Informational Testimony: None

Questions from Committee Members and Responses:

REP. B. OLSON asked **Mr. Bennett** if their computerized forms could be changed. He replied affirmatively. **REP. OLSON** asked for the fiscal note. The sponsor said it was not ready.

Closing by Sponsor:

SEN. NOENNIG said he is open to amendments.

REPS. JENT and WINDY BOY left for other meetings.

EXECUTIVE ACTION ON HJR 24

Motion/Vote: REP. BROWN moved HJR 24 DO PASS. Motion carried 19-0. REPS. WINDY BOY and JENT voted by proxy.

Motion/Vote: REP. BROWN moved HB 431 TO THE CONSENT CALENDAR. Motion carried 19-0. REPS. WINDY BOY and JENT voted by proxy. {Tape: 2; Side: B; Approx. Time Counter: 0 - 2}

EXECUTIVE ACTION ON HB 431

Motion: REP. BROWN moved HB 431 DO PASS.

Discussion:

REP. BROWN said it had been cleaned up

Motion: REP. BROWN moved AMENDMENTS(043102.ash)

Discussion:

Amendments would allow any local government entity which sells property to the state to have the first right of refusal at fair market value if the state sells it. **Ms. Heffelfinger** explained that her legal director said a general provision is better than naming specific towns in a bill. They will strike Section 2 from the amendment.

Vote: Motion carried 19-0. REPS. WINDY BOY and JENT voted by proxy. REP. WINDY BOY'S vote was cast verbally by acting MINORITY VICE CHAIR JACOBSON.

Motion/Vote: REP. BROWN moved HB 431 DO PASS AS AMENDED. Motion carried 19-0. REPS. WINDY BOY and JENT voted by proxy. REP. WINDY BOY'S vote was cast verbally by acting MINORITY VICE CHAIR JACOBSON.

Motion: REP. A. OLSON moved HB 431 TO THE CONSENT CALENDAR. Motion carried 19-0. REPS. WINDY BOY and JENT voted by proxy. REP. WINDY BOY'S vote was cast verbally by acting MINORITY VICE CHAIR JACOBSON.

{Tape: 2; Side: B; Approx. Time Counter: 2 - 17}

EXECUTIVE ACTION ON HB 607

Motion: REP. A. OLSON moved HB 607 DO PASS.

Discussion:

REP. DICKENSON had concerns about privacy. She handed out Exhibit 13.

EXHIBIT(sth39a13)

Motion/Vote: REP. A. OLSON moved HB 607 BE TABLED. Motion carried 14-5 on a roll call vote, with REPS. DICKENSON, JACOBSON, B. OLSON, ROBERTS and SMITH voting no. REP. JENT voted by proxy. REP. WINDY BOY'S vote was cast verbally by acting MINORITY VICE CHAIR JACOBSON.

{Tape: 2; Side: B; Approx. Time Counter: 17 -20}

REP. WINDY BOY returned for the vote on HB 609.

EXECUTIVE ACTION ON HB 609

Motion: REP. YOUNKIN moved HB 609 DO PASS.

Discussion:

REP. YOUNKIN said this is a good bill. REP. BECKER asked if they have the land already. CHAIRMAN BARRETT replied that they did.

REP. LENHART said this would probably go through since it had no funding request.

Vote: On a voice vote, motion carried 19-0, REP. JENT voting by proxy.

Discussion: REP. ALAN OLSON asked REP. WINDY BOY if he wanted it put on the consent calendar or if he would speak on the floor. He preferred the latter.

REP. WINDY BOY left for other meetings.

EXECUTIVE ACTION ON HB 586

Motion: REP. A. OLSON moved HB 586 DO PASS.

Discussion: REP. BROWN said SEN. BOHLINGER'S bill is narrow in scope; she questioned if it was necessary. REP. SMITH said people in Missoula had donated the money. REP. HURWITZ said it would only train 20 people at a time and all time would be

volunteered. **REP. BALLANTYNE** opposed it. **REP. BERNIE OLSON** said it was written for one specific purpose. **REP. ALAN OLSON** disagreed. It does not mention other organizations; they can apply to national organizations.

Vote: On a voice vote, motion failed 6-13. Voting yes were **REPS. JENT, A. OLSON, SMITH, SCHRUMPF, YOUNKIN** and **WAGMAN**. **REP. WINDY BOY'S** vote was cast verbally by **ACTING VICE CHAIR JACOBSON**.

Motion/Vote: **REP. Younkin** moved to **REVERSE THE VOTE** and **TABLE HB 586**. Motion carried 19-0. **REP. WINDY BOY'S** vote was cast verbally by **ACTING VICE CHAIR JACOBSON**. **HB 586 TABLED 13-6** with **REPS. JENT, A. OLSON, SMITH, SCHRUMPF, YOUNKIN** and **WAGMAN** voting no. **REP. JENT** voted by proxy. **REP. WINDY BOY'S** vote was cast verbally by **ACTING VICE CHAIR JACOBSON**.

{Tape: 2; Side: B; Approx. Time Counter: 22 - 29}

EXECUTIVE ACTION ON HB 599

Motion: **REP. BROWN** moved **HB 599 DO PASS**.

Discussion:

REP. LENHART asked that it be deferred until Monday.

The motion was withdrawn.

EXECUTIVE ACTION ON HB 621

Motion: **REP. ROBERTS** moved to **TAKE HB 621 OFF THE TABLE AND RECONSIDER**.

Discussion:

Ms. Heffelfinger said the budget office wanted a July 1 effective date, but their bill stated the effective date was immediate.

Vote: On a voice vote, motion carried 19-0, **REP. JENT** voting by proxy. **REP. WINDY BOY'S** vote was cast verbally by **ACTING VICE CHAIR JACOBSON**.

Motion/Vote: **REP. ROBERTS** moved **TO AMEND HB 621 TO BECOME EFFECTIVE JULY 1**. On a voice vote, motion carried 19-0, **REPS. JENT** voting by proxy. **REP. WINDY BOY'S** vote was cast verbally by **ACTING MINORITY VICE CHAIR JACOBSON**.

Motion/Vote: REP. ROBERTS moved HB 621 DO PASS AS AMENDED. On a voice vote, motion carried 19-0, REP. JENT voting by proxy. REP. WINDY BOY'S vote was cast verbally by acting MINORITY VICE CHAIR JACOBSON.

Motion: REP. A. OLSON moved HB 621 TO THE CONSENT CALENDAR. On a voice vote, motion carried 19-0, REP. JENT voting by proxy. REP. WINDY BOY'S vote was cast verbally by ACTING MINORITY VICE CHAIR JACOBSON.

{Tape: 2; Side: B; Approx. Time Counter: 29 - 30}

EXECUTIVE ACTION ON HB 468

Motion: REP. YOUNKIN moved HB 468 DO PASS.

Motion: REP. YOUNKIN moved TO AMEND HB 468.
EXHIBIT(sth39a14)

Discussion:

She said that REP. GILLAN's bill is to ensure the accuracy of statements. In reporting how someone voted, they must specify which bill reading. REPS. JACOBSON and SMITH agreed with it.

Vote: On a voice vote, motion carried 19-0, REPS. JENT voting by proxy. REP. WINDY BOY'S vote was cast verbally by ACTING MINORITY VICE CHAIR JACOBSON.

Motion: REP. DICKENSON moved TO AMEND HB 468.
EXHIBIT(sth39a15)

Discussion:

REP. YOUNKIN said "person" can mean a committee or group. REP. BROWN noted the difference between "prior notice" and "at the time of." REP. LEHMAN and DICKENSON asked Ms. Heffelfinger, who explained that a legal agent incorporates a treasurer of a campaign or ballot issue, so the CEO does not have to sign. An exhibit from the Secretary of State's office was distributed.
EXHIBIT(sth39a16)

Vote: Motion carried 14-5. Voting no were REPS. WAGMAN, BROWN, ALAN OLSON, BARRETT and LEHMAN, with REPS. JENT and WINDY BOY voting by proxy.

Motion: REP. BROWN moved HB 468 DO PASS AS AMENDED.

Discussion:

REP. B. OLSON said it would mean more paperwork. REP. YOUNKIN disagreed. One need not mention the opponent to avoid the paperwork.

Vote: On a voice vote, motion carried 17-2, with REPS. HURWITZ and LENHART voting no and REPS. JENT voting by proxy. REP. WINDY BOY'S vote was cast verbally by ACTING MINORITY VICE CHAIR JACOBSON.

{Tape: 2; Side: B; Approx. Time Counter: 30 - 32}

Executive Action was suspended at noon and resumed at 2:00 PM.

EXECUTIVE ACTION ON HB 541

Motion: REP. YOUNKIN moved HB 541 DO PASS.

Motion/Vote: REP. YOUNKIN moved HB 541 BE TABLED. On a roll call vote, motion carried 10-8. Voting no were REPS. BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, JENT, LENHART and SMITH. REPS. JENT and HURWITZ voted by proxy. REP. WINDY BOY'S vote was not cast.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 1.4}

EXECUTIVE ACTION ON HB 699

Motion: REP. ALAN OLSON moved HB 699 DO PASS.

Motion/Vote: REP. ALAN moved HB 699 BE TABLED. On a roll call vote, motion carried 10-8. Voting no were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON, LENHART, and SMITH. REPS. JENT and HURWITZ voted by proxy. REP. WINDY BOY'S vote was not cast.

EXECUTIVE ACTION ON HB 600

Motion: REP. ALAN OLSON moved HB 600 DO PASS.

Motion: REP. ALAN OLSON moved HB 600 BE TABLED. On a roll call vote, motion carried 17-1. Voting no was REP. WAGMAN. Voting by proxy were REPS. JENT and HURWITZ. REP. WINDY BOY'S vote was not cast.

EXECUTIVE ACTION ON HB 611

Motion: REP. BALLANTYNE moved HB 611 DO PASS.

Motion: REP. A. OLSON moved HB 611 BE TABLED. On a roll call vote, motion carried 11-7. Voting no were REPS. JENT, BALLANTYNE, BECKER, DICKENSON, GIBSON, JACOBSON and SMITH. Voting by proxy were REPS. JENT and HURWITZ. REP. WINDY BOY'S vote was not cast.

EXECUTIVE ACTION ON HB 523

Motion: REP. A. OLSON moved HB 523 DO PASS.

Motion/Vote: REP. B. OLSON moved HB 523 BE TABLED. On a roll call vote, motion failed 7-11. Voting yes were REPS. BALLANTYNE, BECKER, DICKENSON, GIBSON, LEHMAN, LENHART and B. OLSON. Voting by proxy were REPS. JENT and HURWITZ. REP. WINDY BOY'S vote was not cast.

Motion: REP. A. OLSON moved TO AMEND HB 523 WITH THE SPONSOR'S AMENDMENT.

Discussion:

REP. BROWN asked if it addressed the concerns of the Commissioner of Political Practices. REP. YOUNKIN said it did not include material one would hand out door-to-door. REP. BROWN asked if it dovetailed with REP. GILLAN'S bill. REP. YOUNKIN said it does things differently. Her bill verifies the truth of materials, versus this bill requires sending opponents a copy of material that mentions them sent in the last 10 days. REP. ROBERTS said it sets a civil action as penalty. REP. YOUNKIN said the alternative is a criminal penalty, which she would oppose. REP. BECKER asked if it covered "527 committees." REP. YOUNKIN said she believed so. She would include a friendly amendment to include faxed, electronic, or hand delivered materials.

Substitute Motion: REP. YOUNKIN moved to AMEND HB 523 TO INCLUDE FAXED, ELECTRONIC, OR HAND DELIVERED MATERIALS.

Discussion: REP. DICKENSON asked about federal elections. REP. YOUNKIN replied they are covered by federal law.

Vote: On a voice vote, motion carried 18-1 with REP. LENHART voting no and REPS. JENT and HURWITZ voting by proxy. REP. WINDY

BOY'S vote was cast verbally by **ACTING MINORITY VICE CHAIR JACOBSON**.

Motion: **REP. YOUNKIN** moved **HB 523 DO PASS AS AMENDED**.

Discussion:

REP. DICKENSON had unanswered questions, such as whether it included press releases and commentary. **REP. YOUNKIN** said one can't control what the press says, but their own press releases are subject to this. **REP. BALLANTYNE** said campaign managers should exhort candidates to be more fair.

Vote: On a roll call vote, motion failed 9-9. Voting yes were **REPS. BARRETT, BROWN, JENT, HURWITZ, JACOBSON, A. OLSON, SCHRUMPF, WAGMAN** and **YOUNKIN**. **REPS. JENT** and **HURWITZ** voted by proxy. **REP. WINDY BOY'S** vote was not cast.

Motion: **REP. A. OLSON** moved **TO TABLE HB 523**. On a roll call vote, motion carried 10-8. Voting no were **REPS. BARRETT, BROWN, JENT, HURWITZ, JACOBSON, SMITH, WAGMAN** and **YOUNKIN**. **REPS. JENT** and **HURWITZ** voted by proxy. **REP. WINDY BOY'S** vote was not cast.

ADJOURNMENT

Adjournment: 11:45 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR

EXHIBIT (sth39aad)